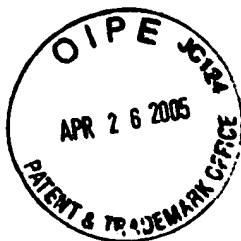


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Name: Jacqueline Wilson

Signature: Jacqueline Wilson

Re: Patent Application for:
"RSVP Handling in 3G Networks"
Serial No. 09/768,956
Attorney Docket No. P13249-US2

Dear Sir or Madam:

Enclosed for filing please find the following items relating to the above-identified application:

- (1) Appeal under 35 U.S.C. §134 (8 pages; 3 copies)
- (2) Return Receipt Post Card

The commissioner is hereby authorized to charge any fees which may be required, and any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit Account No. 50-1379.

If you have any questions or comments concerning this matter, please feel free to contact the undersigned at 972-583-5799.

Sincerely,

Roger S. Burleigh
Intellectual Property Counsel

RSB/jw



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gabor Fodor *et al.*

Serial No: 09/768,956

Filed: January 24, 2001

Attorney Docket No: P13249-US2

Customer No.: 27045

For: RSVP Handling in 3G Networks

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Group Art Unit: 2154

Examiner: Philip C. Lee

Confirmation No: 4275

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Date: April 22, 2005

Name: Jacqueline Wilson

Signature: Jacqueline Wilson

APPEAL UNDER 35 U.S.C. §134

Real Party in Interest

The real party in interest, by assignment, is: Telefonaktiebolaget LM Ericsson (publ)
SE-164 83
Stockholm, Sweden

Related Appeals and Interferences

None.

Status of Claims

Claims 10-14 are pending. Claims 10-12, and 14 stand rejected, under 35 U.S.C. §102(e), as being anticipated by Sen, *et al.* (US 6,708,034). Claim 13 stands rejected as being unpatentable over Sen in view of Puuskari (US 6,728,208).

Status of Amendments

No amendments to the claims were made in response to the Final Rejection.

Summary of Invention

The claimed invention relates to methods, in a mobile terminal, for providing support for internet protocol signaling, wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network. According to the principles of the invention, the method includes the steps of: terminating a resource reservation protocol message sent from the local user's terminal equipment; determining, based on parameters contained in the resource reservation protocol message, whether to create a new packet data protocol context or to modify an existing packet data protocol context; and, sending a request to create or modify the packet data protocol context through the radio network.

Issues

Whether one or more of the claims, as pending, are patentable over the cited references.

Argument

1.) Claim Rejections – 35 U.S.C. §102(e)

The Examiner rejected claims 10-12 and 14 as being anticipated by Sen, *et al.* (US 6,708,034). The Applicants traverse the rejections.

Anticipation requires that the disclosure of a single piece of prior art reveals **every** element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitations, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. **Sen fails to teach each limitation of the rejected claims and, therefore, the Applicants traverse the rejection of each of those claims as being anticipated.**

Claims 10-12:

Claim 10 recites:

10. A method in a mobile terminal for providing support for internet protocol signaling, wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network, the method comprising the steps of:

terminating a resource reservation protocol message sent from the local user's terminal equipment;

determining, based on parameters contained in the resource reservation protocol message, whether to create a new packet data protocol context or to modify an existing packet data protocol context; and

sending a request to create or modify the packet data protocol context through the radio network. (emphasis added)

Not only does Sen not disclose a method comprising the steps recited in claim 10, but fails to even disclose performing any similar steps in a mobile terminal. This can be noted based on the Examiner's assertion that the second step recited in claim 10 is taught by Sen at col. 5, lines 31-66, which actually describes an "RSVP-agent in the wireless network node (e.g., GGSN)." In response to the Applicants' arguments submitted in reply to the Office Action dated May 21, 2004, the Examiner asserted in the Final Office Action that Sen further teaches "the claimed invention being performed in a mobile terminal (e.g., a Serving GPRS Support Node (SGSN))." Neither a GGSN or SGSN, however, is "mobile" or a "terminal," much less a "mobile terminal."

As those skilled in the art are aware, a GGSN (Gateway GPRS Support Node) is a GPRS (General Packet Radio Service) node which provides an interface between a radio network and an IP network; GPRS is an enhancement for GSM and TDMA core networks that introduces packet data transmission. An SGSN (Serving GPRS Support Node) handles the data traffic of users in a geographical service area. As an element of the core network, GGSN and SGSN nodes are not mobile. For Sen to anticipate the claimed invention, it must not merely approximate or be almost the same as the invention, but there must be an identity of invention between it and the claim. Anticipation requires the presence in the Sen disclosure of all elements of the claimed invention arranged as in the claim. The claim limitations which must be met are those set forth in each element, and such a limitation cannot be met by an element in Sen that performs a different function, even though it may be part of a device embodying the

same general overall concept. See, *RCA Corp. v. Applied Digital Data Sys., Inc.* 221 USPQ 385, 389 n.5 (Fed. Cir. 1984). Thus, whereas Sen fails to disclose the steps recited in claim 10 ***performed within a mobile terminal***, Sen fails to **anticipate** claim 10. Furthermore, whereas claims 11-12 are dependent from claim 10, and include the limitations thereof, those claims are also **not anticipated** by Sen.

Claim 14:

The Examiner also rejected claim 14 as being anticipated by Sen. Claim 14 recites:

14. A mobile terminal comprising:
a first interface to a local user's terminal equipment;
a second interface to a radio network;
a terminating unit for terminating resource reservation protocol; and
a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa. (emphasis added)

The Examiner asserts that Sen discloses "a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa" at column 4, lines 22-27, and column 7, lines 6-7. **The Applicants have reviewed the referenced portions of Sen and fail to see where the Examiner has identified a translation unit, within a mobile terminal, for transforming a resource reservation protocol (RSVP) message to a packet data protocol (PDP) message, and vice versa.** At column 4, lines 22-27, Sen states that a mobile station has an operating system that is "capable of generating and interpreting RSVP messages," **but fails to teach transforming such RSVP messages to PDP messages.** Similarly, at column 7, lines 6-7, Sen states that "RSVP signaling is used to perform PDP sub-context activation," **but fails to teach transforming an RSVP message to a PDP message.** Accordingly, Sen fails to **anticipate** claim 14.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claim 13 as being unpatentable over Sen in view of Puuskari (US 6,728,208). The Applicants traverse the rejection.

Claim 13 recites:

13. A method for a gateway general packet radio service support node comprising the steps of:
including internet protocol quality of service information in packet data protocol context; and
transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa.
(emphasis added)

In rejecting claim 13, the Examiner asserted that:

“[a]s per claim 13, Sen taught the invention as claimed for a gateway general packet radio service support node comprising the steps of:

transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa. (col. 5, lines 31-49).

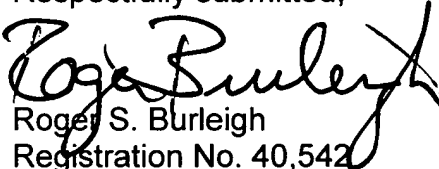
As noted in Applicants’ response to the Office Action dated May 21, 2004, the Applicants reviewed the referenced portion of Sen and failed to see where the Examiner had identified any teaching relating to transforming quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa. In the Final Office Action, the Examiner asserted that Sen teaches “transforming quality of service related signaling according to an internet protocol (e.g. PATH message) (col. 4, lines 41-43) into signaling according [sic] a resource reservation protocol (e.g. RESV message) and vice versa (col. 5, lines 7-21).” The Examiner clearly mischaracterizes the teachings of Sen. At column 4, lines 41-43, Sen states what parameters are included in PATH and RESV messages, but discloses nothing about transforming, by a gateway general packet radio service support node (GGSN), quality of service related signaling according to an internet protocol into signaling according to a resource reservation protocol, and *vice versa*. Neither is such disclosed at column 5, lines 7-21, as asserted by the Examiner. Accordingly, the

Examiner has wholly failed to establish a *prima facie* case of obviousness of claim 13.

CONCLUSION

The claims currently pending in the application are patentable over Sawahashi, and the Applicants request that the Examiner's rejection thereof be reversed and the application be remanded for further prosecution.

Respectfully submitted,


Roger S. Burleigh
Registration No. 40,542
Ericsson Patent Counsel

Date: April 22, 2005

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APPENDIX

Pending Claims

1-9. (Cancelled)

10. (Previously Presented) A method in a mobile terminal for providing support for internet protocol signaling, wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network, the method comprising the steps of:

terminating a resource reservation protocol message sent from the local user's terminal equipment;

determining, based on parameters contained in the resource reservation protocol message, whether to create a new packet data protocol context or to modify an existing packet data protocol context; and

sending a request to create or modify the packet data protocol context through the radio network.

11. (Previously Presented) The method of claim 10, further comprising the steps of:

receiving a response to the request from the radio network;

generating a resource reservation protocol message based on the contents of the response; and

sending the resource reservation protocol message to the local user's terminal equipment.

12. (Previously Presented) The method of claim 10, further comprising the steps of:

receiving a trigger that initiates the generation of a resource reservation protocol path message; and

sending the resource reservation protocol path message to the local user's terminal equipment.

13. (Previously Presented) A method for a gateway general packet radio service support node comprising the steps of:

including internet protocol quality of service information in packet data protocol context; and

transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa.

14. (Previously Presented) A mobile terminal comprising:

a first interface to a local user's terminal equipment;

a second interface to a radio network;

a terminating unit for terminating resource reservation protocol; and

a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa.

* * *